

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,	§	
	§	
	§	
Plaintiff,	§	
	§	
v.	§	Civil Action No. 3:08-cv-1552-D
	§	
SERVICE TEMPS, INC. d/b/a SMITH PERSONNEL SOLUTIONS	§	
	§	
	§	
Defendant.	§	
	§	

INJUNCTION

This action came for trial before Court and a jury. The issues having been duly tried, and the jury having rendered its verdict, and it further appearing to the Court that the legal remedies are inadequate and that an injunction should be entered against the Defendant to be in effect for two (2) years from the date of this order to restrain future violations of the Americans with Disabilities Act, as amended, based on the evidence introduced at trial.

IT IS HEREBY ORDERED AND ADJUDGED that Defendant, Smith Personnel Solutions, its officers, agents, managers, servants, employees, attorneys, successors, assigns and all persons in active concert or participation with it, who receive actual notice of this order by personal service or otherwise, are hereby enjoined and restrained from discriminating against any employee who is disabled, regarded as disabled or who has a record of a disability.

IT IS FURTHER ORDERED that Defendant shall within 30 days after actual entry of this Order provide all current employees with a copy of the Notice to Employees attached to this Injunction. A copy of this Notice to Employees should also be posted in a conspicuous place in

each of the offices operated by Smith Personnel Solutions. The notice shall remain posted during the terms of this Injunction.

IT IS FURTHER ORDERED that Defendant shall provide one hour of training to all managers, branch managers and account managers concerning hearing impairments and hiring persons under the Americans with Disabilities Act, and specifically the hiring, employment and placement of persons with hearing impairments under the Americans with Disabilities Act. This training will be conducted by the Deaf Action Center for at least one hour at no cost to the Defendant.

IT IS FURTHER ORDERED that for two years from the date of this Order that Defendant shall notify Joel Clark, Trial Attorney of the Dallas District Office of the EEOC of all instances in which an employee has made a complaint of disability discrimination. Each notification to Mr. Clark shall include the name, address and phone number of the employee, the nature of their complaint, a description of action taken and all documents referring to or relating to the complaint. The notification shall be made within 14 days of the complaint.

IT IS SO ORDERED.

Signed this _____ day of _____, 2010.

U.S. DISTRICT COURT JUDGE

NOTICE TO EMPLOYEES

This is Smith Personnel Solutions policy against disability discrimination. Smith Personnel Solutions reiterates its commitment to providing a workplace free of discrimination of any kind, including disability discrimination. Please read the policy and keep a copy for your records.

An employer cannot discriminate against qualified applicants and employees on the basis of disability. Under the Americans With Disabilities Act, an individual with a disability is a person who has (a) a physical or mental impairment that substantially limits one or more major life activities; (b) a record of an impairment or (c) is regarded as having such an impairment. The ADA also prohibits discrimination against a person because of their association or relationship with an individual with a known disability. This prohibition covers all aspects of the employment process, including:

- | | | | |
|---|----------------------|---|----------------------|
| * | application | * | promotion |
| * | testing | * | medical examinations |
| * | hiring | * | layoff/recall |
| * | assignments | * | termination |
| * | evaluation | * | compensation |
| * | disciplinary actions | * | leave |

Smith Personnel Solutions hereby states that applicants who are disabled, regarded as disabled or who have a record of a disability will be equally considered for hire as temporary and permanent employees. Further, under the ADA, Smith Personnel Solutions will make a reasonable accommodation to the known physical or mental limitations of a qualified applicant or employee with a disability unless it can show that the accommodation would cause an undue hardship on the operation of its business. Some examples of reasonable accommodation include:

- making existing facilities used by employees readily accessible to, and usable by an individual with a disability;
- job restructuring;
- modifying work schedules;
- reassignment to a vacant position;
- acquiring or modifying equipment or devices; or
- providing qualified readers or sign language interpreters

Each supervisor has a responsibility to maintain a workplace free of discrimination. This duty includes discussing the Smith Personnel Solutions Equal Employment Opportunity policy with all employees and assuring them that they are not to endure unequal treatment because of their race, color, sex, national origin, religion, age or disability, and reporting incidents involving discrimination. Retaliation against individuals who raise concerns of discrimination is strictly prohibited.

An employee has the right, and is encouraged to exercise that right to report allegations of discrimination in the workplace. An employee may do so by notifying

_____ using this telephone number _____. Employees who do not wish to go to _____ may instead report to any supervisor or manager. Supervisors and managers who are informed of a written or non-written complaint or allegation of discrimination must immediately notify _____.

Any report of discrimination will be thoroughly investigated, with appropriate disciplinary action, up to and including termination, be taken against any person(s) found to have engaged in such conduct.

An employee, either alternatively or in addition to reporting such an allegation to Smith Personnel Solutions officials, may contact the Equal Employment Opportunity Commission for the purposes of filing a charge of employment discrimination. The address and telephone number of the nearest EEOC office is 207 South Houston Street, Third Floor, Dallas, Texas 75202; (214) 253-2740.

Date

SMITH PERSONNEL SOLUTIONS